

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARIA GUADALUPE MARTINEZ,
Individually, as a Legal Representative of the
Estate of DELFINO GARCIA, and Next
Friend of GEMMA GARCIA, a Minor,
GRETCHELL GARCIA, a Minor, DELFINO
GARCIA, JR., a Minor, and DELIA
MACEDO, Next Friend of EMELY
PARTICIA GARCIA, a Minor,

Plaintiffs,

Civil Action No. 4:13cv59

V.

DONNIE FOSTER, COMMUNITY
EDUCATION CENTERS, INC., JAGDISH
A. SHAH, and JOHN DOES #1
THROUGH #35,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
ON DEFENDANT DR. SHAH'S, MOTION TO DISMISS
OR, ALTERNATIVELY, PLEA IN ABATEMENT**

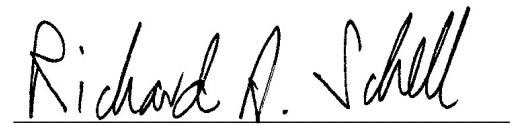
The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of Defendant Dr. Shah's, Motion to Dismiss, or Alternatively, Plea in Abatement (docket entry #29),¹ has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings

¹ Dr. Shah also joined in Defendants Foster and Community Education Centers, Inc.'s, Motion to Dismiss or, in the Alternative, Motion for More Definite Statement (docket entry #30).

and conclusions of the Court. It is therefore

ORDERED that Defendant Dr. Shah's Motion to Dismiss, or Alternatively, Plea in Abatement (docket entry #29) is hereby **DENIED** in favor of granting the concurrent Motion for More Definite Statement that Defendant Dr. Shah joined and upon which the Court has separately ruled.

SIGNED this the 28th day of March, 2014.


RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE